

Resolution No.: 16-715  
Introduced: September 23, 2008  
Adopted: September 23, 2008

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Executive Regulation 8-08 – Advertisements Subject to Property Tax Disclosure Requirements

**Background**

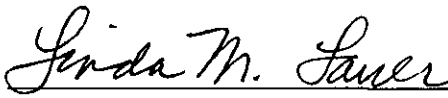
1. On April 1, 2008, the County Council received Temporary Executive Regulation 8-08T, Advertisements Subject to Property Tax Disclosure Requirements, Office of Consumer Protection. This Temporary Executive Regulation was published in the Montgomery County Register on April 1, 2008.
2. A Temporary Executive Regulation is effective when the County Council receives a copy from the issuer with an explanation why its immediate adoption is necessary. A Temporary Regulation is effective for not more than 90 days. Temporary Executive Regulation 8-08T would have expired on June 30, 2008.
3. By Council Resolution #16-627 adopted on June 24, 2008, the Council extended the Temporary Executive Regulation to September 28, 2008.
4. In a memorandum dated September 10, 2008, the Executive sent the Permanent Executive Regulation.

**Action**

The County Council for Montgomery County, Maryland, approves the following resolution:

Executive Regulation 8-08, Advertisements Subject to Property Tax Disclosure Requirements is approved.

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject:</b> "Advertisements Subject to Property Tax Disclosure Requirements"	<b>Number</b> 8-08
<b>Originating Department</b> Office of Consumer Protection	<b>Effective Date</b> September 23, 2008

Montgomery County Regulation on

Advertisements Subject to Property Tax Disclosure Requirements  
Office of Consumer Protection

Issued by: County Executive  
Regulation No. 8-08

Authority: Montgomery County Code (1994) Sections 2A-14 and 40-12C  
Council Review: Method 2  
Register Vol. 25, Issue 8  
Supersedes 8-08T

**Summary:** This regulation defines advertisements which are subject to the property tax disclosure requirements of Section 40-12C

**Staff Contact:** Eric Friedman, Director  
Office of Consumer Protection  
240/777-3719

**Address:** Office of Consumer Protection  
100 Maryland Ave, Suite 330  
Rockville, Maryland 20850

**Background:** Section 40-12C creates an affirmative duty for sellers of specific residential real property to disclose, in advertisements, the estimated property tax the buyer would be obligated to pay in the next full year after the property is transferred. This Executive Regulation defines the types of advertisements that are subject to the disclosure required by Section 40-12C.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject:</b> "Advertisements Subject to Property Tax Disclosure Requirements"	<b>Number</b> 8-08
<b>Originating Department</b> Office of Consumer Protection	<b>Effective Date</b> September 23, 2008

**Section 1.** This Executive Regulation defines the phrase "any written or electronically transmitted material that a seller produces or distributes in connection with the advertisement for sale of specific residential real property" as used in Section 40-12C of the County Code.

(a) Any "written or electronically transmitted material that a seller produces or distributes in connection with the advertisement for sale of a specific residential real property", as used in County Code §40-12C, includes:

- 1) all printed sales material available on site or at an "open house";
- 2) any information about a specific property for sale which is available on the internet or in a webpage; and
- 3) any written material which specifies the amount of tax the seller currently pays or recently paid.

(b) Any "written or electronically transmitted material that a seller produces or distributes in connection with the advertisement for sale of a specific residential real property", as used in County Code §40-12C, does not include, unless the material specifies the amount of tax the seller currently pays or recently paid:

- 1) a newspaper or magazine classified "liner" advertisement or a "group display" advertisement in which the advertisement for a specific house is less than 16 square inches;
- 2) one or more introductory screen listings for a specific property on the internet, which may contain the asking price, as long as the disclosure required by §40-12C appears on the internet listing in any later or linked screen which provides further financial details about the property;
- 3) a "For Sale" sign posted at or near a property; or
- 4) a radio or television advertisement.

**Section 2. Severability:** If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

APPROVED AS TO FORM AND LEGALITY  
OFFICE OF COUNTY ATTORNEY  
BY Maria Herrera  
DATE 7/16/08

Isiah Leggett  
Isiah Leggett, County Executive  
Date Sept 10, 2008